

ORDINANCE NUMBER NO. 15-06

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA,
ADDING CHAPTER 8.10 TO THE MAMMOTH LAKES MUNICIPAL
CODE PERTAINING TO
THE USE OF DISPOSABLE AND REUSABLE BAGS**

WHEREAS, the use of single-use carryout bags by consumers at retail establishments results in unnecessary negative impacts on the environment and that reusable bags are readily available and provide a cost effective alternative to single-use bags; and

WHEREAS, the manufacturing and distribution of single-use carryout bags requires the utilization of natural resources and energy often resulting in the generation of pollution and greenhouse gas emissions; and

WHEREAS, single-use plastic carryout bags are difficult to recycle and often end up in landfills or as roadside litter impacting storm drains, polluting streams and lakes and polluting soils as these bags photo-degrade; and

WHEREAS, single-use paper bags are currently accepted in local recycling programs but require significant resources to manufacture and recycle and should only be made available if the bag is purchased for a charge and made of a minimum 40% post-consumer recycled content, containing no old-growth fiber; and

WHEREAS, all single-use carryout bags provided by retail establishments contribute to the generation of waste and in order to achieve waste reduction goals as mandated and directed by the state of California it is necessary to adopt policies that focus on waste prevention, reduction and reuse; and

WHEREAS, the Town Council does, accordingly, find and declare that it should restrict the distribution of single use carry-out bags.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Approval. The Town Council hereby adopts Chapter 8.10 of the Mammoth Lakes Municipal Code, entitled "Disposable and Reusable Bags," the text of which shall be as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance, or any part thereof, is held invalid or unconstitutional, then such decision shall not affect the validity of the remaining sections or portions of this ordinance or part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of

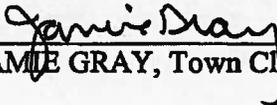
the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 4. Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this ordinance shall take effect 30 days following its adoption.

ADOPTED, SIGNED and APPROVED this 7th day of October, 2015.


MICHAEL RAIMONDO, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

EXHIBIT "A"

CHAPTER 8.10 - DISPOSABLE AND REUSABLE BAGS

8.10.010	Definitions
8.10.020	Effective Date
8.10.030	Carryout Bag Regulations
8.10.040	Exemptions
8.10.050	Record Keeping and Inspection
8.10.060	Enforcement
8.10.070	Supersession

8.10.010 Definitions

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

"Customer" means any person obtaining goods from a retail establishment.

"Post-Consumer Recycled Content" means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

"Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

"Recycled Content Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content and is one hundred percent recyclable.

"Retail Establishment" means any commercial establishment and/or vendor that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the Town of Mammoth Lakes. "Retail establishment" does not include a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.

"Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.

"Single-Use Carryout Bag" means a bag with handles, other than a reusable bag, provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment.

“Single-use carryout bags” do not include bags which form part of a product’s packaging or bags without handles provided to the customer, including but not limited to bags provided: (1) to transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale (2) to protect items which have been dry-cleaned; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

8.10.020 Effective Date

This chapter shall take effect March 1, 2016.

8.10.030 Carryout Bag Regulations

A. No retail establishment shall provide a single-use carryout bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.

B. On or after the date of implementation, a retail establishment may make available for sale to a customer a recycled content paper bag or a reusable bag for a minimum price of ten cents (\$0.10). No retail establishment shall provide a customer with a credit, rebate, or refund of this charge. The collection of sales tax on such sales shall comply with state law and any direction provided by the State Board of Equalization.

C. No retail establishment may make available for sale a recycled content paper bag or reusable bag unless the price of the recycled paper bag and reusable bag is separately itemized on the sales receipt.

D. A retail establishment may provide a reusable bag at no charge if it is distributed as part of an infrequent and limited time promotion. No such promotion or series of promotions offered by a retail establishment shall exceed a total of 90 days in any consecutive 12-month period.

E. Nothing in this Chapter prohibits customers from using bags of any type that they bring to a retail establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

8.10.040 Exemptions

The Town Manager, or his or her designee, may in his or her sole discretion exempt a retail establishment from the provisions of Section 8.10.030 of this Chapter for a period of up to six months from the implementation date of this Chapter upon the retail establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. The Town Manager or his or her designee’s decision shall be final.

8.10.050 Record Keeping and Inspection

Every retail establishment shall keep complete and accurate records on forms provided by the Town, of the sale of any recycled content paper bag or reusable bag provided by the retail establishment for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this part. Unless an alternative location or method of

review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Chapter.

8.10.060 Enforcement

This chapter may be enforced by any legal means available to the Town, including but not limited to those means provided by Chapters 1.04, 1.12, and 8.32 of this code.

8.10.070 Supersession

This chapter may be superseded by the approval by California voters of Senate Bill 270, which would implement a statewide ban on plastic bags that would supersede local bans adopted after 2014, as part of a referendum to be held with the November 2016 election. However, this chapter shall remain in effect until and unless Senate Bill 270 is approved by the voters at the referendum election.

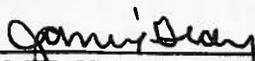
TOWN OF MAMMOTH LAKES

Notice is hereby given that on September 2, 2015 the Town Council introduced an Ordinance entitled:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 8.10 TO THE MAMMOTH LAKES
MUNICIPAL CODE PERTAINING TO THE USE OF
DISPOSABLE AND REUSABLE BAGS.**

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: September 3, 2015



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on September 16, 2015 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 15-06

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 8.10 TO THE
TOWN OF MAMMOTH LAKES MUNICIPAL CODE PERTAINING TO THE USE OF
DISPOSABLE AND REUSABLE BAGS.**

by the following vote:

AYES: Councilmembers Richardson, Wentworth, Mayor Pro Tem Raimondo, and Mayor Bacon

NOES: None

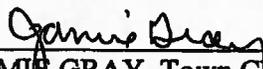
ABSENT: Councilmember Fernie

ABSTAIN: None

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: September 17, 2015



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 15-06, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on September 2, 2015 by the following vote:

AYES: Councilmembers Bacon, Fernie, Wentworth, Mayor Pro Tem Richardson, and Mayor Raimondo

NOES: None

ABSENT: None

DISQUALIFICATION: None

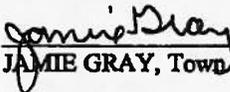
and adopted at a meeting held on September 16, 2015 by the following vote:

AYES: Councilmembers Bacon, Wentworth, Mayor Pro Tem Richardson, and Mayor Raimondo

NOES: None

ABSENT: Councilmember Fernie

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk

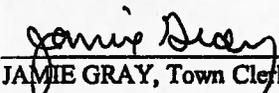
STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 15-06 being:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ADDING CHAPTER 8.10 TO THE TOWN OF MAMMOTH LAKES MUNICIPAL
CODE PERTAINING TO THE USE OF DISPOSABLE AND REUSABLE BAGS.

was published in summary in The Sheet newspaper on September 11, and 25, 2015, and was posted at the Town Administrative Offices.



JAMIE GRAY, Town Clerk